

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

Atsuo F. Fukunaga et al.

Patent No. 7,261,105

Serial No. 10/777,772

Filing date: February 12, 2004

Issue date: October 28, 2007

Titled:

BREATHING CIRCUITS HAVING  
UNCONVENTIONAL RESPIRATORY  
CONDUITS AND SYSTEMS AND  
METHODS FOR OPTIMIZING  
UTILIZATION OF FRESH GASES

Group: 3731

Examiner: Erez, Darwin P.

Confirmation No. 2944

NOTIFICATION OF ERROR IN  
ENTITY STATUS UNDER 37 C.F.R. § 1.28(c)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants in the above-identified patent were not entitled to pay the 4<sup>th</sup> year maintenance fee as a small entity. Status as a small entity was established in good faith and application fees as a small entity were correctly paid. The subject patent is licensed by King Systems Corporation. Baker & Daniels LLP is counsel for the licensee and responsible for payment of maintenance fees. The undersigned discovered that the Commissioner was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2) and as a result the 4<sup>th</sup> year maintenance fee was paid in error, with no intention to deceive, as a small entity fee. Therefore, pursuant to 37 C.F.R. § 1.28(c), the undersigned hereby submits payment of the deficiency between the amounts paid and owed, which according to § 1.28(d) also operates as a notification of loss of status under § 1.27(g)(2).

<i>Type of Fee</i>	<i>Amount paid as Small Entity</i>	<i>Date of Original Payment</i>	<i>Deficiency Owed</i>
Maintenance fee	\$490	2/28/11	\$490
			<b><i>Total Deficiency Owed:</i></b>
			<b><i>\$490</i></b>

The Director is hereby authorized to charge \$490 for the deficiency owed and any other deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 02-0390, Baker & Daniels LLP.

Respectfully submitted,

/Marcelo Copat/

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Reg. No. 51,580  
Attorney for Licensee

Date Submitted: April 28, 2011

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